

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

v.

ARMANDO MEDINA-VARGAS,

Defendant.

8:15CR52

ORDER

This matter is before the court on defendant's motion to reduce sentence, [Filing No. 39](#). Pursuant to General Order No. 2014-09, *In The Matter Of Cases Assigned To Chief Judge Laurie Smith Camp, Judge Joseph F. Bataillon, Judge John M. Gerrard, And Judge Lyle E. Strom Involving A Potential Reduction In Sentence Pursuant To Amendment 782* (Oct. 2, 2014), the Federal Public Defender or one of his delegates under the Criminal Justice Act was appointed to represent the defendant as a person within the ambit of the General Order. [Filing No. 40](#). Amendment 782 (sometimes called the "drugs minus two" or the "2014 drug guidelines amendment") reduces offense levels assigned in the Drug Quantity Table by two levels, resulting in lower guideline ranges for many drug trafficking offenses. See Federal Register Notice of Final Action Regarding Amendment to Policy Statement §1B1.10, Effective November 1, 2014, 79 Fed. Reg. 25996 (May 6, 2014); *available at* www.ussc.gov. <http://www.ussc.gov/amendment-process/federal-register-notice>. The proposed amendment went into effect on November 1, 2014. *Id.* The Sentencing Commission has given retroactive effect to the amendment. *Id.* at 1.

The defendant was sentenced on December 2, 2015, to a prison term of 120 months for Conspiracy to Distribute 50 grams or more of methamphetamine (actual) in violation of 21 U.S.C. § 846. [Filing No. 33](#), Judgment. The record shows the defendant was sentenced after the November 1, 2014, effective date of the Amendment. His guideline calculation already included the two level reduction in the drug base offense level proposed by the Sentencing Commission and consistent with the Attorney General's direction concerning such motions. Accordingly, defendant Armando Medina-Vargas has received the benefit of the reduced guideline range and no further benefit is available.

IT IS SO ORDERED.

DATED this 18th day of May, 2016

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge